

OFFICIAL COPY

Fresno, California

September 19, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

Andy Souza, City Manager  
James Sanchez, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Councilmember Dages gave the invocation and led the Pledge of Allegiance.

SPCA PET OF THE MONTH - PRESIDENT DUNCAN

The pet of the month available for adoption, a male Manx kitten, was presented.

PROCLAMATION OF "FAMILY DAY, A DAY TO EAT WITH YOUR CHILDREN" - COUNCILMEMBER STERLING

Read and presented.

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APPROVE MINUTES OF AUGUST 29, 2006

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of August 29, 2006, approved as submitted.

APPROVE SPECIAL CLOSED SESSION MINUTES OF SEPTEMBER 5, 2006

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of September 5, 2006, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

**COUNCILMEMBER DAGES:** (1) Thank you to Parks & Recreation staff for removing graffiti at Sunnyside Park expeditiously and for their work on the "Kids Fest" event at the Mosqueda Center this past weekend; (2) report successful Senior Citizens Village Mexican Independence Day chile verde dinner provided by the Firefighters; (3) announcement of upcoming Big Fresno Fair with Seniors Day on opening day and City employees being able to enter the fairgrounds free for lunch with their ID badge through the Chance Avenue entrance; (4) thank you to Assistant City Manager Rudd for installing concrete at bus stops in Southeast Fresno; and (5) invitation to all to attend news conference on 9/20/06 at 10:00 a.m. at the Orange/California/Dwight Avenue low-income housing project.

**COUNCILMEMBER STERLING** - Absence last week and thank you to Council and staff for their support during her Aunt's illness and request to keep her in prayer.

**COUNCILMEMBER BOYAJIAN:** Request for update on nepotism issue, with City Attorney Sanchez and Assistant city Manager Ruiz responding.

**COUNCILMEMBER CALHOUN:** (1) Support for new legislation to become effective in 2008 banning the use of hand-held cell phones; and (2) movement of Fresno Bee reporter George Hostettler to Sports and thank you extended for his coverage of Council meetings and welcome to reporter Matt Leedy.

**COUNCILMEMBER WESTERLUND:** (1) Request for information on reconciliation surplus, with Assistant City Manager Ruiz responding; (2) Utility rates and potential for a technical default in June 2007 and possible need to raise rates on interim basis to ensure a default does not occur; (3) apology extended for lack of written information on the 9:30 a.m. presentation by Charlie Waters; (4) commendation to Parking Manager Estabrooke and staff on a great job enforcing parking zones around Fresno State during football games, and (5) pursuant to AB 1234 report on attendance at the League of California Cities conference in San Diego as a voting delegate and at the California Redevelopment Agency conference in Long Beach on legal issues.

**COUNCILMEMBER BOYAJIAN:** Sadness expressed at the passing of George Sinopoli, supporter of Veterans and the Veterans' Home.

**ACTING PRESIDENT PEREA:** Pursuant to AB 1234, concurrence with Councilmember Westerlund's comments.

**PRESIDENT DUNCAN:** (1) Councilmember Westerlund's comments on potential technical default and request for commitment from the Administration to ensure a default does not occur (with City Manager Souza responding); (2) intent to work with the Board of the FUSD to set up a joint meeting on common issues as previously suggested by Councilmember Westerlund; and (3) commendation to Public Works staff for their excellent work on the complicated Perrin/Champlain repaving project.

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#### **APPROVE AGENDA:**

**(10:30 A.M.) HEARING TO CONSIDER INCREASING THE CURRENT CITYWIDE TRAFFIC SIGNAL IMPACT FEE (Continue to October 17, 2006, at 10:30 a.m.)**

Continued as noted.

**(1-C) APPROVE A ONE-YEAR CONSULTING CONTRACT WITH TWO ONE-YEAR EXTENSION OPTIONS WITH SANDLER & TRAVIS TRADE ADVISORY SERVICES, INC., FOR HELP OBTAINING PORT OF ENTRY (POE) STATUS FOR THE FYI AIRPORT**

**1. RESOLUTION - 13<sup>TH</sup> AMENDMENT TO AAR APPROPRIATING \$350,000 FOR THE PURPOSE OF ENTERING INTO THE CONTRACT WITH SANDLER & TRAVIS IN ORDER TO OBTAIN PORT OF ENTRY STATUS FOR FYI AIRPORT'S INTERNATIONAL OPERATIONS**

City Clerk Klisch corrected the title to read: "*AUTHORIZE THE DIRECTOR OF AVIATION TO ENTER INTO A ONE-YEAR CONSULTING CONTRACT...etc.*", rather than "*APPROVE A ONE-YEAR CONSULTING CONTRACT...etc.*".

**(1-Q) RESOLUTION - AUTHORIZING THE PURCHASE OF AN AUTOMATED TELESCOPIC SEATING SYSTEM FOR THE SELLAND ARENA FROM FIGUERAS SEATING USA WITHOUT ADVERTISED COMPETITIVE BIDDING IN ACCORDANCE WITH ADMINISTRATIVE ORDER 3-3, AT A COST NOT TO EXCEED \$1,375,680**

Removed from the agenda by staff.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

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148-98

9/19/06

**ADOPT CONSENT CALENDAR:**

Mike Rhodes, Harley Turner, Barbara Hunt, Walt Parry of Fresno Metro Ministries, and Chris Schneider **(2 - 0)** all spoke to Item **1-S** and expressed various concerns including the ordinance not addressing carts owned by people, the ordinance being directed at the homeless, abandoned carts being part of a much larger issue, Fresno's poverty rate, and the ordinance criminalizing the homeless.

Councilmember Calhoun pulled Items **1-C** and **1-M** from the Consent Calendar for discussion/action at 2:00 p.m.

Councilmembers Boyajian and Sterling responded to speaker comments on the homeless, spoke to the poverty issue, stated Council cared about the poor and spoke to CDBG funds being intended for the poor, and clarified the intent of the ordinance was to mitigate the number of carts taken from large stores and abandoned and was not about the homeless or the poor.

Councilmember Sterling pulled Item **1-S** and Councilmember Westerlund pulled Items **1-H** and **1-J** from the Consent Calendar for discussion/action at 2:00 p.m.

**(1-A) APPROVE AN AGREEMENT WITH THE 21<sup>ST</sup> DISTRICT AGRICULTURAL ASSOCIATION TO PROVIDE POLICE SERVICES AT THE 2006 FRESNO DISTRICT FAIR**

**(1-B) ADOPT A SIDE LETTER OF AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) BASIC UNIT 5, TO INSERT SICK LEAVE LANGUAGE WHICH HAD BEEN IN A PREVIOUS MEMORANDA OF UNDERSTANDING**

**(1-D) RESOLUTION NO. 2006-418 - 446<sup>TH</sup> AMENDMENT TO MFS RES. 80-420 ESTABLISHING NEW FEES FOR HANGAR RENTALS AT CHANDLER AIRPORT**

**(1-E) DECLARE THE LATE FILING OF A STATEMENT OF QUALIFICATIONS A MINOR IRREGULARITY AND AWARD A CONTRACT FOR REPLACEMENT OF AWOS AT CHANDLER AIRPORT TO ST. FRANCIS ELECTRIC FOR \$117,700**

**(1-F) APPROVE EXTENSION NO. 5 TO THE TEMPORARY USE PERMIT ISSUED BY THE CITY TO FLIGHT SERVICES & SYSTEMS, INC., TO OCCUPY PREMISES AT THE FYI AIRPORT**

**(1-G) RESOLUTION NO. 2006-419 - INTENT TO ANNEX FINAL TRACT NO. 5614 AS ANNEXATION NO. 10 TO CFD 11 AND AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE PUBLIC HEARING FOR OCTOBER 3, 2006**

**(1-I) APPROVE THE ACQUISITION OF THREE EASEMENTS FOR \$8,500, \$11,600 AND \$7,320, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO ACCEPT THE DEEDS OF EASEMENT FROM MARIO & VIRGINIA MAGANO, ALICE B. SUTTON STERLING LIVING TRUST, AND JOSE & ANA MARIA DURAN AND SIGN ALL NECESSARY DOCUMENTS TO COMPLETE THE ACQUISITION FOR THE WIDENING OF CLINTON AVENUE BETWEEN N. CORNELIA AND N. POLK**

**(1-K) RESOLUTION NO. 2006-420 - 16<sup>TH</sup> AMENDMENT APPROPRIATING \$92,000 OF CFD NO. 2 DEPOSIT FUNDS TO THE PUBLIC WORKS STREET DIVISION FOR THE MAINTENANCE OF NEWLY ACCEPTED ACREAGE IN THE DISTRICT**

**(1-L) APPROVE AN AMENDMENT TO THE CITY OF FRESNO RETIREE HEALTH REIMBURSEMENT ARRANGEMENT TO INCLUDE PARTICIPATION OF THOSE EMPLOYEES WHO ARE MEMBERS OF THE CFMEA AND FPOA NON-SUPERVISORY POLICE UNITS**

**(1-N) RESOLUTION NO. 2006-421 - 11<sup>TH</sup> AMENDMENT TO AAR APPROPRIATING \$25,000 IN GRANT FUNDS FROM THE PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA IN PARTNERSHIP WITH HEALTHY FRESNO TO EXPAND THE PR&CS YOUTH SPORTS AND FAMILY WELLNESS PROGRAM**

**(1-O) AWARD A ONE-YEAR CONTRACT WITH PROVISIONS FOR FOUR ONE-YEAR EXTENSIONS TO ALLSTAR FIRE EQUIPMENT, INC., FOR FIREFIGHTING PROTECTIVE GARMENTS**

**(1-P) RESOLUTION NO. 2006-422 - APPROVING THE FINAL MAP OF TRACT NO. 5229 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, N. CHESTNUT BETWEEN E. COPPER AND E. INTERNATIONAL AVENUES**

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR, FIRE CHIEF, AND THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

148-99

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(1-R) AUTHORIZE THE PARKS, RECREATION & COMMUNITY SERVICES DEPARTMENT TO LEASE-PURCHASE EQUIPMENT FOR THE MAINTENANCE OF PARK FACILITIES USING THE CITY'S MASTER LEASE AGREEMENT

(1-T) ADOPTION OF ORDINANCES AMENDING THE FMC RELATING TO MODIFICATION OF THE CLASSES OF PERMISSIBLE BENEFICIARIES UNDER THE OPTIONAL FORMS OF SETTLEMENT

1. **BILL NO. B-133 - ORDINANCE NO. 2006-138** - AMENDING FMC SECTION 2-1733

2. **BILL NO. B-134 - ORDINANCE NO. 2006-139** - AMENDING FMC SECTION 2-1733A

3. **BILL NO. B-135 - ORDINANCE NO. 2006-140** - AMENDING FMC SECTION 2-1841

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

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**(9:00 A.M. "A") SCHEDULED COMMUNICATION:**

APPEARANCE BY ENRIQUE READE, CHAIR OF THE HUMAN RELATIONS COMMISSION, TO DISCUSS HIS RESIGNATION AND THE COMMISSION

Appearance made with Mr. Reade stating his attempt to do something about the HRC, along with Susan Bechara, failed and elaborated further. Council members later thanked Mr. Reade and/or responded to his comments at the conclusion of "Unscheduled Communication".

**(9:00 A.M. "B") UNSCHEDULED COMMUNICATION:**

Barbara Hunt, 2475 S. Walnut, thanked the police department and called for a moment of silent prayer for Officer Nieto, and spoke to the need to help the homeless and all people, to the Hope VI project, to the Hinton Center, to the conflict of the Council and Boards acting in other capacities, and to the need to give security officers a raise.

Susan Bechara, House of Hope, submitted and read her written statement on the Human Relations Commission into the record.

Frank Phillips, Special Education Teacher, spoke to a citation he received for parking his car at a lot on Shields and West with a "for sale" sign along with other cars and asked that warnings be given as he did not know it was illegal to park there and added the lot was not marked indicating that.

Councilmembers Boyajian and Sterling thanked Enrique Reade for his service on the Human Relations Commission, Councilmember Boyajian spoke briefly to Mr. Phillips' issue, and Councilmember Sterling requested staff place an item on the agenda next week on the status of the Human Relations Commission to see if the Commission can be salvaged.

President Duncan thanked Enrique Reade and Susan Bechara for all their energy and work on the Human Relations Commission.

Councilmember Calhoun stated he was troubled by Mr. Reade's comments about this Council and he would not accept that and let it go, and stated no one on this Council does anything illegal, each member cared about their districts and the entire city, and unacceptable comments were one of the reasons why problems exist with a commission such as the Human Relations Commission.

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**(9:15 A.M. "A") CONSIDER MATTERS RELATED TO PUBLICITY SERVICES FOR THE CITY OF FRESNO**

1. APPROVE A CONTRACT WITH PANAGRAPH, INC., FOR PUBLICIST SERVICES

2. APPOINT THREE MEMBERS TO SERVE ON A PUBLICITY OVERSIGHT PANEL

Management Analyst Zieba gave an in-depth overview of the issue, all as contained in the staff report as submitted, and recommended the contract be approved and three members be appointed to serve on the oversight panel. Upon question of President Duncan, City Attorney Sanchez clarified pursuant to the Brown Act only meetings with four or more Council members would have to be open to the public.

**148-100**

**9/19/06**

Mark Astone, Chief Executive Officer for Panagraph, spoke to Panagraph's plan to take a proactive role in controlling the city's image and tell Fresno's story.

Speaking in support of the issue were: Eric Johnson, AT&T, 5555 E. Olive, Chair of the Image Fresno Collaborative; and Wayne Bennett, 3311 E. Menlo, Executive Director of the Fresno Convention & Visitor's Bureau.

Councilmember Sterling thanked the Administration, Panagraph and everyone else involved (**3 - 0**), stated she applauded this much needed effort and wanted to be a part of the team to build Fresno's image, and made a motion to approve staff's recommendation. Councilmember Dages seconded the motion, spoke in strong support stating positive things were going on in the city and in his district, Fresno was a great place to live and needed this kind of boost, and this was a no-brainer, and stated he wanted to be on the committee.

Ms. Zieba responded to questions of Councilmember Boyajian relative to whether the other top two firms were local or out of town, how the one year contract cost would be \$120,000 when only \$50,000 was budgeted, and how non-performance would be dealt with. Councilmember Boyajian stated hoped the firm will work with the Redevelopment Agency as Fresno did have a story to tell, stated he was told by a major developer that perception was Fresno's biggest issue and explained, and stated there was so much negative publicity and the word needed to get out on all the positive's and what Fresno has to offer and elaborated.

Councilmember Calhoun stated he did not like the budgeting process and getting the additional money from departments "because they would benefit", and stated the contract needed to stay at \$50,000 and requested the motion be amended to approve the contract for \$50,000 and have staff come back later with a funding source(s) for the additional \$70,000. Upon question, the motion-makers did not accept the amendment.

Ms. Zieba and Mr. Astone responded to questions of President Duncan relative to whether this \$50,000 was originally proposed for the film commissioner, how the firm was going to be able to control local newspapers and TV news headlines, and how the time would be broken down for individuals charged with this in terms of covering local or national issues. President Duncan stated Panagraph was an excellent choice but his concern was this would not work, spoke to his experience and work in marketing, stated this was not a good use of dollars and the City did not need to do this, and stated if the City does good things publicity will follow like San Antonio and further explained.

Councilmember Calhoun stated it was his understanding his amendment could be seconded by any member and not just the motion-makers, with City Attorney Sanchez responding.

Councilmember Westerlund stated the City was doing good things but he felt it was hard sometimes to get information out beyond the local media, elaborated on the positive things happening in the city, and stated Fresno's image would not change overnight and would take time and effort and the City could take a big step today with this contract being approved.

Ms. Zieba responded to additional questions and comments of Councilmember Boyajian relative to whether staff would be coming back in the future to ask for additional funds, why no funding alternatives were given, the \$50,000 cost being disingenuous, if staff would be coming back with funding options, if economic development would be emphasized, and if the Economic Development Department would be a funding source. City Manager Souza stated staff grappled with the cost issue and clarified the \$50,000 was a bad estimate, stated staff decided to ask for the funds later to see if results were warranted rather than ask for the additional \$70,000 this date with no proof, and stated great things were happening in the city, the message needed to go beyond the city's borders, and he would appreciate Council's support. Acting President Perea expressed his support and concurred the good news needed to go beyond the city's borders and added this was a good opportunity to do that.

Upon question, Mr. Sanchez clarified a council member seeking to make an amendment could make a substitute motion which would acted upon only if a second is received and if no second is received the original motion would stand. Councilmember Calhoun spoke to his intent and understanding and again offered a substitute motion.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to approve the contract with Panagraph in the

amount of \$50,000 failed, by the following vote:

Ayes : Boyajian, Calhoun  
 Noes : Dages, Perea, Sterling, Westerlund, Duncan  
 Absent : None

**148-101**

**9/19/06**

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, a one year contract with Panagraph for publicist services hereby approved as recommended by staff, by the following vote:

Ayes : Boyajian, Dages, Perea, Sterling, Westerlund  
 Noes : Calhoun, Duncan  
 Absent : None

By Council consensus, Councilmembers Dages, Sterling and Westerlund were appointed to serve on the Publicity Oversight Panel.

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**RECESS - 10:50 A.M. - 11:00 A.M.**

**(9:15 A.M. "B")** REQUEST AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$360,000 WITH VRPA TECHNOLOGIES, INC., TO PREPARE ANALYSES AND RECOMMENDATIONS UTILIZING THE SAN JOAQUIN GROWTH RESPONSE STUDY TOOLS TO IMPLEMENT THE ACTIVITY CENTERS AND INTENSITY CORRIDORS OF THE 2025 FRESNO GENERAL PLAN

Planning Manager Unruh reviewed the issue, all as contained in the staff report as submitted.

Georgeina Vivien of VRPA Technologies and Planning & Development Director Yovino responded to questions of Councilmember Boyajian relative to why this was not being applied to residential, if this will help to determine what project's costs will be to the City, scope of work/what would be studied **(4 - 0)**, and why this was important. A motion and second was made to approve staff's recommendation. Councilmember Sterling spoke briefly in support and thanked the Administration for bringing this forth.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, a professional services agreement with VRPA Technologies, Inc., to prepare land use and economic analyses and corresponding planning and zoning recommendations pertaining to the implementation of the Activity Center, Intensity Corridors and the Mid-Rise High-Rise Corridor hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : None  
 Absent : None

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**(9:15 A.M. "C")** ADOPT RESOLUTIONS RELATING TO THE HIRING OF A DEPUTY CITY ATTORNEY FOR GRAFFITI ENFORCEMENT

**1. RESOLUTION NO. 2006-423** - 21<sup>ST</sup> AMENDMENT TO THE AAR APPROPRIATING \$82,500 TO FUND AN ADDITIONAL ATTORNEY POSITION PURSUANT TO AN AGREEMENT WITH THE COUNTY DISTRICT ATTORNEY'S OFFICE

**2. RESOLUTION NO. 2006-424** - 1<sup>ST</sup> AMENDMENT TO THE PAR ADDING A ATTORNEY POSITION WITH THE CITY ATTORNEY'S OFFICE

Assistant City Manager Rudd reviewed the issue, all as contained in the staff report as submitted. A motion and second was made to approve staff's recommendation.

Discussion ensued with City Attorney Sanchez, Chief Dyer and City Manager Souza responding to questions and/or comments of Councilmembers Boyajian, Westerlund, Perea and Calhoun relative to whether the Public Defenders Office was involved in this, what the normal enforcement/citation/arrest processes were, the process when citizen's catch vandals, what the chances were currently for

immediate releases, level of filings by the District Attorney, who determines probation or jail time, difference between formal and informal probation, percentage of arrests made and not prosecuted and request for that information, graffiti enforcement being the sole duty and concern that the position may end up working on other issues, concern with going down the road of hiring attorney's for each problem area, increased enforcement and prosecution, and if there was any special plan for boric acid markings./etchings.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-423 and 2006-424 hereby adopted, by the following vote:

**148-102**

**9/19/06**

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : None  
 Absent : None

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**(9:30 A.M.) PRESENTATION/UPDATE BY CHARLIE WATERS ON THE CALIFORNIA VETERANS' HOME AND THE PGA GOLF TOURNAMENT - COUNCILMEMBER WESTERLUND**

Update given with Mr. Waters stating the Veterans' Home was moving forward and was ahead of schedule and the golf course would be finished before the games. Mr. Waters also spoke to the impact of negative/incorrect comments, to the illegal dumping that has occurred at the site submitting photos into the record showing dumped trash and junk, and to the need to be positive. Councilmember Sterling thanked Mr. Waters, stated she was well aware of the illegal dumping and advised the problem was being addressed, and spoke to Running Horse project issues and concerns **(5 - 0)**.

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**(9:45 A.M.) HEARING RELATING TO GROUP HOME FACILITIES**

**1. BILL NO. B-143 - ORDINANCE NO. 2006-141 - ADOPTING TEXT AMENDMENT APPLICATION NO. TA-05-01 AMENDING THE TEXT OF THE FMC ZONING ORDINANCE RELATING TO THE DEFINITION AND CLASSIFICATION OF GROUP HOME FACILITIES**

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Stiglich advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the public hearing.

A motion and second was made to approve staff's recommendation.

City Attorney Sanchez and Chief Assistant City Attorney Hale responded to questions/comments of Councilmember Boyajian relative to the last three issues where there is no agreement, if staff was going to work with Fresno County due to the number of groups homes in the county, and the need to address the spacial issue. Councilmember Calhoun noted this has been an issue for years and he appreciated staff's work and Council's intent but he could not support the ordinance as Sections 79 and 86 were unenforceable, arbitrary and unfair and would not withstand legal challenges and explained. Councilmember Westerlund stated this was a tough issue, he felt the City should have more control over situations, there was a lack of statistical data to make the City's point, and stated he believed group homes had impacts on the infrastructure and explained and stated he could not support this. Councilmember Sterling stated the majority of group homes were located in her district and that was due to the lack of regulations, stated this ordinance was directed by FAMI and tools were now in place that would alleviate pressure for some areas, and encouraged Council to consider working with this ordinance.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the Finding of Conformity with the General Plan MEIR for E.A. No. TA-05-01 hereby approved, and the above entitled Bill No. B-143 adopted as Ordinance No. 2006-141, by the following vote:

Ayes : Boyajian, Dages, Perea, Sterling, Duncan  
 Noes : Calhoun, Westerlund  
 Absent : None

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**(10:00 A.M. #1) HEARING RELATING TO THE VACATION OF A PORTION OF THE BROADWAY-"H" ALLEY NORTHWEST OF AMADOR STREET**

**1. RESOLUTION NO. 2006-425 - ORDERING THE VACATION OF THE ABOVE**

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Supervising Engineering Technician Polsgrove stated the staff report as submitted was complete and there was no new information to add.

Jeff Roberts, representing Granville Homes and Pyramid Homes, spoke briefly to the issue and requested support.

**148-103**

**9/19/06**

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-425 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

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**(10:00 A.M. #2) HEARING ON THE FORMATION OF UNDERGROUND UTILITY DISTRICT (UUD) NO. FRE-86, WILLOW AVENUE BETWEEN SHEPHERD AND BEHYMER AVENUES**

**1. RESOLUTION NO. 2006-426 - ESTABLISHING UUD NO. FRE-86**

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Supervising Engineering Technician Polsgrove stated the staff report as submitted was complete and added staff worked with PG&E to revise the removal dates.

Upon call, no one wished to be heard and President Duncan closed the hearing. A motion and second was made to approve staff's recommendation,

Assistant Public Works Director Kirn responded to questions of Councilmember Boyajian relative to budgeting of projects, criteria, and what the drivers were/how projects are made priorities.

On motion of President Duncan, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2006-426 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

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**(10:10 A.M.) INTRODUCTION OF BILLS RELATING TO TEXT AMENDMENT APPLICATION NO. TA-06-02 - VARIETY PAK NO. 3**

**1. BILL - TEXT AMENDMENT NO. TA-06-02 (VARIETY PAK NO. 3) AND ENVIRONMENTAL FINDINGS, INITIATED BY THE PLANNING & DEVELOPMENT DEPARTMENT, AMENDING THE TEXT OF THE FMC ZONING ORDINANCE TO SIMPLIFY AND STREAMLINE THE CODE AND PROPOSING CHANGES AND ADDITIONS AS DIRECTED BY THE ADOPTION OF THE 2025 FRESNO GENERAL PLAN IN ORDER TO BEST PROMOTE ITS IMPLEMENTATION**

**2. BILL - TEXT AMENDMENT NO. TA-06-02 (VARIETY PAK NO. 3) AND ENVIRONMENTAL FINDINGS, INITIATED BY THE PLANNING & DEVELOPMENT DEPARTMENT (ALTERNATIVE)**

Councilmember Boyajian noted 120 sections were involved here and this was difficult for him to get a handle on, stated there were no relationships and this was the most confusing thing he has read, stated he felt there had to be a better way to construct this and suggested staff compartmentalize this so Council can vote up or down on blocks of issues, and made a motion to table the matter two



weeks so meetings could be held with staff in the interim to reorganize.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled 10:10 A.M. item tabled two weeks to October 3, 2006, at 10:05 a.m., by the following vote:

Ayes : Boyajian, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : Calhoun  
 Absent : None

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**148-104**

**9/19/06**

**LUNCH RECESS - 12:19 P.M. - 2:00 P.M.**

**(11:00 A.M.) PRESENTATION BY THE CITY MANAGER'S OFFICE ON THE "NEW NORMAL"**

City Manager Souza presented the issue which included the background, vision, objectives, KRAs and implementation tools.

Council discussion ensued. Mr. Souza responded to questions of Councilmembers Westerlund and Calhoun relative to the bonus plan, if funds budgeted for the plan could be moved to the compensation and classification study, if the bonus plan was not dead, if staff was retooling/drawing back on the plan on the negative side, and how performance is measured **(6 - 0)**. Councilmember Boyajian stated his problem has always been access, continuity, and being consistent and explained, spoke to the importance of giving department heads some authority to talk with Council and the media without someone else present, elaborated on the issues of communication, cooperation and respect in people's beliefs, and stated he was seeing a lot of control and added the Administration had their way of doing things and explained. President Duncan stated outside of the strong disagreement on pay-for-performance he felt things were now getting taken care of as constituent calls had decreased, stated excellence in the public sector was very doable but it had to come with an attitude from upper management that innovation and risk-taking to a certain degree were ok and added he hoped the Administration would embrace that; spoke to the importance of encouraging debate, and stated he appreciated the overall direction, benefits were starting to be seen, and commended staff and the Mayor.

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**(10:45 A.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-05-61 AND ENVIRONMENTAL FINDINGS, FILED BY CENTEX HOMES ON BEHALF OF DAMRONG AND SOMLUCK PATTANUMOTANA AND AHMED KHALED, SOUTHWEST CORNER OF N. LOCAN AND E. SHIELDS AVENUES**

**1. CONSIDER AND ADOPT E.A. NO. R-05-61/T-5592/C-05-87, DATED FEBRUARY 2, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

**2. BILL NO. B-144 - ORDINANCE NO. 2006-142 -AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/ TO R-1/UGM AND R-2/UGM**

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Rodriguez stated the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the hearing.

Councilmember Westerlund stated this was a good project and he worked closely with Centex Homes on it, and upon his request developer representative Dennis Gaab confirmed Centex Homes committed to construct a block wall on the boundaries of the nine rural residential properties and install a pipeline in the private irrigation ditch to convey the irrigation water. Councilmember Westerlund stated this project would have higher densities, this was an extension on the city's eastern edge and spoke to the rural lifestyle agreement being worked on, and made a motion to approve staff's recommendation.

Councilmember Boyajian concurred this was a good project but he could not support it as there was no EIR, the costs to the City were unknown, impacts fees were unknown, this was piecemeal development, and cumulative impacts were unknown.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled environmental finding hereby approved, and the above entitled Bill No. B-144 adopted as Ordinance No. 2006-142, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : Boyajian  
 Absent : None

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**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:**

**(1-C)** AUTHORIZE THE DIRECTOR OF AVIATION TO ENTER INTO A ONE-YEAR CONSULTING CONTRACT WITH TWO 1-YEAR EXTENSION OPTIONS TO SANDLER & TRAVIS TRADE ADVISORY SERVICES, INC., FOR ASSISTANCE IN ACHIEVING PORT OF ENTRY (POE) STATUS FOR THE FYI AIRPORT

**1. RESOLUTION NO. 2006-427 - 13<sup>TH</sup>** AMENDMENT TO THE AAR APPROPRIATING \$350,000 TO FINANCE THE FIRST YEAR COST OF THE CONTRACT, INCLUDING A POTENTIAL "SUCCESS FEE" OF \$300,000

**148-105**

**9/19/06**

Upon the request of Councilmember Calhoun, Aviation Director Widmar spoke to the firm and why it was chosen and to the challenge ahead of the City in getting a Port of Entry (POE) status, and responded to his questions relative to whether any other city was getting a POE status with all the security issues and if the city really had a chance of getting this. A motion and second was made to approve staff's recommendation. Mr. Widmar acknowledged this contract was expensive but clarified he expected this to continue much longer than the two years and explained, and responded to questions and/or comments of Councilmembers Boyajian and Westerlund relative to what the expectation was of Mexicana Airlines, renewal time line, if revenues were a big help to the department, what local elected officials could do make the push to get the POE status, and support for the partnership with Sacramento.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, the Director of Aviation authorized to enter into a one-year consulting contract, with two (2) one-year extension options in favor of the City and with a potential first year cost of \$450,000, to Sandler & Travis Trade Advisory Services, Inc., for assistance in achieving Port of Entry (POE) status for the FYI Airport; and the above entitled Resolution No. 2006-427 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : None  
 Absent : None

**(1-H)** ADOPT RESOLUTION OF INTENTION NO. 1054-D TO VACATE A PORTION OF W. ELLERY AVENUE BETWEEN HANOVER AND SONORA, AND SETTING THE PUBLIC HEARING FOR OCTOBER 17, 2006

Traffic Engineering Manager Mozier responded to questions of Councilmember Westerlund relative to the traffic diverter and how it was set up. Councilmember Westerlund stated he wanted to meet with staff on this issue before the hearing and added he wanted to see further justification for diverters other than just people in the district requesting them.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, Resolution of Intention No. 1054-D hereby adopted and the public hearing set for October 17, 2006, at 10:00 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : None  
 Absent : None

**(1-J)** ADOPT RESOLUTION OF INTENTION NO. 1055-D TO VACATE A PURPORTED ALLEY ON THE SOUTH SIDE OF JENSEN AVENUE BYPASS EAST OF ELEVENTH STREET, AND SETTING THE PUBLIC HEARING FOR OCTOBER 17, 2006

Supervising Engineering Technician Polsgrove and Assistant Public Works Director Kirn responded to questions of Councilmember Westerlund relative to whether the City was asking the property owner to purchase the property or giving it to them outright **(7 - 0)**.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, Resolution of Intention No. 1055-D hereby adopted and the public hearing set for October 17, 2006, at 10:10 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : None

Absent : None

**(1-M) AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES (PR&CS) DEPARTMENT TO DONATE \$5,058 IN ROEDING PARK TOLLBOOTH GATE RECEIPTS TO ROTARY STORYLAND AND PLAYLAND, AS AMENDED TO \$5,258, WITH TWO DONATIONS**

Councilmember Calhoun stated he first heard about this through the media, his issue was the process as he believed staff should have first asked Council if the fees could be collected and donated rather than collecting the fees without Council input/approval and now asking for authorization to donate, and questioned if this has been done in the past, what Council's role was, and if this was precedent-setting, with Assistant City Manager Ruiz, City Attorney Sanchez and Parks & Recreation Director Cooper responding to questions and clarifying issues relative to the process and authorities of department directors.

**148-106**

**9/19/06**

Mr. Cooper responded briefly to questions of Councilmember Sterling relative to whether this was discussed at Council, if this was a collaboration between KMJ and a local developer, and specifics of the promotion/event. A motion and second was made to approve staff's recommendation.

Mr. Cooper, Mr. Sanchez and Mr. Ruiz responded to questions and/or comments of Councilmembers Boyajian, Westerlund and Calhoun and/or clarified issues relative to whether this was part of a promotion, if an Administrative Order was needed governing when fees can be waived since there were a lot of other City fees, gifts of public funds and findings to be made, protecting staff and the role of Council, and fee waivers being far from any type of standard practice.

President Duncan thanked staff and Councilmember Sterling for putting this idea together stating it was innovative and refreshing and it was fun to hear on the radio about the City's part in the effort to save Roeding Park, asked that staff just take care of anything that may need to be done so this can reasonably be done again in the future, spoke to the need to give manager's some ability to be supportive of the community as they were professionals and added there had to be some level of trust in their judgement, and asked that the motion be amended to \$5,158 as he wanted to donate \$100. Mr. Cooper matched President Duncan's \$100 donation and the motion-makers accepted the amended amount.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, **RESOLVED**, the PR&CS Department authorized to donate \$5,258 in Roeding Park tollbooth gate receipts and donations to Rotary Storyland and Playland, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : None  
 Absent : None

**(1-S) BILL NO. B-136 - ORDINANCE NO. 2006-143 - ADDING ARTICLE 14 TO CHAPTER 9 OF THE FRESNO MUNICIPAL CODE RELATING TO ABANDONED SHOPPING CARTS**

**1. RESOLUTION NO. 2006-428 - 445<sup>TH</sup> AMENDMENT TO MFS RES. 80-420 ESTABLISHING A FEE FOR THE SHOPPING CART CONTAINMENT PLAN REVIEW IN THE PLANNING & DEVELOPMENT CODE ENFORCEMENT SECTION**

Councilmember Sterling stated she pulled this item so she could speak with staff on the intent, stated this was a much needed ordinance and emphasized it was not an attack on the homeless but was about locally enforcing State law, and clarified people with unmarked carts will not be affected and will be able to keep their carts. Deputy Chief Nevarez further clarified this ordinance would not change how the homeless with carts are dealt with, it would require carts to be marked so owners could be contacted when they are abandoned, and this ordinance and the State ordinance would not affect those carts without identifying information. Upon question Deputy Chief Nevarez stated staff agreed with the State ordinance, this ordinance would address blight and give officers another tool to investigate suspicious activity if time allows, and confirmed unmarked carts that are the property of the poor or homeless will not be confiscated.

Speaking to the issue were Edith Jessup, 3857 N. Angus, who spoke to a food assessment she conducted in Fresno and to the big issue of transporting food home; Walt Parry, Fresno Metro Ministry, who stated the ordinance did not acknowledge private/legitimate ownership of carts and questioned if language to that effect should be included; Chris Schneider, who expressed concern with Section

9-1404 and displayed a photo of a family with a cart in which it was hard to tell if it was marked which he stated could result in problems; Amy Huerta, Chamber of Commerce, who stated this was another ordinance created for businesses to adhere to without exploring/enforcing current policies; and Mike Rhodes who requested the police department be directed to observe the law and not destroy the property of the homeless.

Councilmember Calhoun spoke to the time spent on the issue, process undertaken and meetings held, emphasized there was a problem and this ordinance was about *abandoned* carts, and stated stores wanted this and the ordinance would be doing store owners a favor by helping them to say "don't take carts away".

City Attorney Sanchez further clarified the ordinance focused on abandoned carts, it established public nuisance and safety concerns associated with abandoned carts, and **(8 - 0)** spoke to how proof of ownership would be dealt with.

Councilmember Sterling advised some stores were already taking measures so carts can not be taken off the premises and reiterated this ordinance would affect only identified carts and it was only implementing State law and made a motion to approve, which motion was seconded and acted upon after additional discussion.

**148-107**

**9/19/06**

Upon question of Councilmember Boyajian, Mr. Parry clarified his request was to acknowledge legitimate private ownership of carts, whereupon Councilmember Sterling stated something could possibly be included down the road but she felt that issue was addressed. District 2 Council Assistant Kloose stated staff could report back in one year and provide an evaluation on the effectiveness of the ordinance and if necessary modifications or changes could be made at that time. Councilmember Boyajian stated if this was not targeting the homeless that should be so stated in the ordinance and asked if the motion-makers would add that to the motion. Councilmember Calhoun stated a lot of time and work was put into the ordinance and he would not agree to any changes, and stated one can not define who is a homeless person and spoke to problems that would occur and added that was not a good way to go.

Councilmember Westerlund stated this was the right thing to do and a good thing to do, stated this was never designed, nor was it in any council member's mind, that it would be targeted at the homeless but clarified it could affect homeless people that take carts without permission, further clarified the taking of carts was already a crime when there is no permission to do so by the owner, displayed photos of carts abandoned throughout his district, and stressed this was State law and this would allow the City to enforce.

President Duncan stated good, quality comments were made, advised the Chamber of Commerce that a letter was received from the Local Government Relations Manager of the California Grocers Association in support of the ordinance, stated even though this ordinance has not been implemented it has had an impact as the Target store in Riverpark has a system wherein wheels freeze up automatically when carts are taken off the property, and stated if people are stealing carts they will be harassed as theft was wrong, homeless or not.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the above entitled Bill No. B-136 adopted as Ordinance No. 2006-143, and the above entitled Resolution No. 2006-428 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

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**(4:00 P.M.) WORKSHOP RELATING TO NAVIGANT CONSULTING ON PUBLIC UTILITY GOVERNANCE STRUCTURE**

Laid over one week.

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**(3:00 P.M.) HEARING ON REZONE APPLICATION NO. R-06-16 AND ENVIRONMENTAL FINDINGS FILED BY HARBOUR & ASSOCIATES ON BEHALF OF 2M DEVELOPMENT, NORTH SIDE OF E. HARVEY BETWEEN N. PEACH AND N. VILLA AVENUES**

**1. CONSIDER AND ADOPT E.A. NO. R-06-16/T-5669/C-06-59 DATED JUNE 8, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

## 2. BILL NO. B-145 - ORDINANCE NO. 2006-144 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5 TO R-1

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question staff advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the hearing.

Councilmember Westerlund stated this was an in-fill project and a good project for an area that really needed help and made a motion to approve. Applicant representative Mason responded to questions of Councilmember Boyajian relative to whether this was an affordable housing project, if the homes would be market rate or less, and the housing plan/design.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled environmental finding hereby approved, and the above entitled Bill No. B-145 adopted as Ordinance No. 2006-144, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

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**148-108**

**9/19/06**

### **(2:45 P.M.) REQUEST STAFF TO DEVELOP AN ADAPTIVE REUSE ORDINANCE TO INCLUDE INCENTIVES FOR ENCOURAGING DEVELOPERS TO RENOVATE AND REUSE VACANT BUILDINGS IN DOWNTOWN FRESNO - COUNCILMEMBER CALHOUN**

Councilmember Calhoun noted staff reported back in May that there were 118 vacant buildings downtown encompassing close to 2 million square feet of unused space, stated many would like to see more of those buildings being adapted for use as either commercial or housing to bring people downtown, acknowledged great strides have been made downtown but he felt things were not happening fast enough, stated he was a big believer in looking at what other cities have done, particularly Los Angeles and submitted information from the City of Los Angeles' Adaptive Reuse Ordinance, spoke further to the issue and to what Los Angeles has done, all as contained in his report/material as submitted, and stated he wanted City and Agency staff to report back with a model ordinance.

Councilmember Boyajian spoke in support of the issue and upon his request Building & Safety Services Manager Bishop and Planning & Development Director Yovino spoke to staff's efforts and work in retrofitting of buildings and the various projects. Councilmember Sterling thanked Councilmember Calhoun for bringing this matter forth, stated San Diego was a great model and explained, and stated she wanted and supported Agency staff being included and thanked Councilmember Calhoun's staff for their work on the issue. Councilmember Calhoun made a motion to request staff to return with an adaptive reuse ordinance that may include what other cities have done with a master EIR by December, which motion was seconded and later acted upon.

Lengthy discussion ensued. Councilmember Dages stated he would support the motion this date but would not support the ordinance when it comes back if it contains the elimination of Planning Commission and Council approval and by-passing the normal process and explained Acting President Perea stated this was a great, progressive idea to help revitalize downtown and stated although he understood Councilmember Dages' concerns he liked the idea of removing Planning Commission and Council from the process if it meant speeding up development in the downtown area, and added there would have to be some insurance that downtown does end up with a bad product being built. City Manager Souza stated he discussed this with the Mayor who was very intrigued with the proposal and supportive of many of the concepts and moving this forward through the process. Councilmember Westerlund stated the report was vague and after listening to Mr. Bishop and Mr. Yovino it sounded like a lot of issues were already being addressed, and presented numerous questions relative to **(9 - 0)** impact fees including how they are waived, how other developers do it, and circumstances, with City Attorney Sanchez and Mr. Yovino responding throughout. President Duncan thanked Councilmember Calhoun for bringing this forth and for his commitment to downtown and added it was encouraging to see ideas for the downtown area, stated he read the Los Angeles ordinance and it looked a lot like what Fresno was already doing, stated he did not think a new ordinance and putting money behind incentives would magically change downtown, advised a developer currently making a substantial investment downtown was not thrilled with the idea that the City would start adding more incentives for downtown development as the City would basically be giving incentives and rewards to owners who have let their buildings become vacant, abandoned and blighted, and stated the City already had incentives and flexibility and what was missing was action and change and stressed going after property owners to do something with their buildings was needed and elaborated further. Councilmember Westerlund left the dais at 5:08 p.m.

Mr. Yovino responded briefly to questions of Councilmember Boyajian relative to the vacant building ordinance including whether the department had adequate staff to enforce it and if any surveys had been conducted on its effectiveness. Councilmember Calhoun stated he was very supportive of going after property owners but stated the hammer side was not going to build commercial and housing downtown as it was not an incentive, and stated more and bigger incentives were needed as other cities have proven and explained.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, staff requested to return in December with an adaptive reuse ordinance that may include what other cities have done and a MEIR, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling  
 Noes : Duncan  
 Absent : Westerlund

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**(3:10 P.M.) HEARING ON REZONE APPLICATION NO. R-06-18 AND ENVIRONMENTAL FINDINGS, FILED BY DALE G. MELL AND ASSOCIATES ON BEHALF OF KEVIN TIEN NGUYEN, SOUTH SIDE OF N. SALINAS BETWEEN W. CORONA AND W. BULLARD AVENUES**

**1. CONSIDER AND ADOPT E.A. NO. R-06-18/T-5551/C-06-52 DATED JUNE 29, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

**2. BILL NO. B- 146 - ORDINANCE NO. 2006-145 - AMEND THE OFFICIAL ZONE MAP TO REZONE FROM RA-UGM TO R-1**

**148-109**

**9/19/06**

President Duncan announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Tackett advised the staff report as submitted was complete and clarified this project was 4.3 net acres and not 4.60 as noted on the agenda. Councilmember Westerlund returned to the meeting at 5:12 p.m.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled environmental finding hereby approved, and the above entitled Bill No. B-146 adopted as Ordinance No. 2006-145, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : None  
 Absent : None

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**(3:15 P.M.) CONFIRMATION OF JEAN ROUSSEAU AS CITY CONTROLLER**

City Manager Souza clarified City Council approval was needed per the Charter and this was not a rubber stamp of the selection, and spoke to Mr. Rousseau's work and experience.

Councilmember Dages stated he met Mr. Rousseau only one time and was not afforded the opportunity to sit down and speak with him which made this confirmation difficult, and stated he would not confirm the appointment and clarified this was not a reflection on Mr. Rousseau.

Councilmember Calhoun stated he was not able to meet with Mr. Rousseau due to scheduling conflicts but his Council Assistant, who he had great trust in, did, stated he and his staff got positive responses from Mr. Rousseau's co-workers and from staff and he was confident Mr. Rousseau would make a fine Controller, and made a motion to confirm the appointment, which motion was seconded by Councilmember Sterling. Mr. Rousseau, Mr. Souza and Councilmember Dages responded to questions of Councilmembers Sterling and Boyajian relative to Mr. Rousseau's thoughts on City Hall, how he planned to make sure Councilmember Dages was comfortable with the appointment, hope that the City would do more business with local financial institutions, CPA status, if Mr. Rousseau was the top candidate of Alliance Resource Consulting, and if Councilmember Dages wanted to postpone action one week so he and Councilmember Boyajian could both meet with Mr. Rousseau.

On motion of Councilmember Dages, seconded by Councilmember Boyajian, duly carried, RESOLVED, the confirmation of Jean Rousseau as City Controller tabled one week, by the following vote:

Ayes : Boyajian, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : Calhoun  
 Absent : None

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**(2-A) RESOLUTION - IN SUPPORT OF PROPOSITION 84 - THE CLEAN WATER, PARKS, AND COASTAL PROTECTION BOND OF 2006 - ACTING PRESIDENT PEREA AND COUNCILMEMBER CALHOUN**

President Duncan noted there was an informal policy about trying to avoid Propositions and Council taking positions because they are always extremely partisan, and asked that a public discussion be held on whether Council wants to institute a formal policy regarding voting on State Propositions and made a motion to table the matter one week, which motion was seconded by Councilmember Boyajian. Councilmember Calhoun stated there was a problem with "this tabling nonsense", he felt the motion was improper as this Proposition was coming up fairly soon and there was no indication of a time certain to consider it, this was a convenient way of kicking this matter way past the date, and he and Acting President Perea brought this forth in good faith expecting it to be discussed. Upon his question City Attorney Sanchez stated the motion was a process motion germane to the item at hand and cautioned Council when making motions to table that they be followed with a specific time line. President Duncan stated the time line was not an issue as the policy discussion and this matter could both be tabled one week as long as the policy discussion occurs first before Council starts taking positions. Councilmember Boyajian spoke briefly to his concern with getting involved in partisan politics and to why he seconded the motion.

**148-110**

**9/19/06**

On motion of President Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution tabled one week after a public discussion on Council taking action on State issues/Propositions , by the following vote:

Ayes : Boyajian, Dages, Westerlund, Duncan  
 Noes : Calhoun, Perea, Sterling  
 Absent : None

Councilmember Calhoun spoke additionally to his concern with the practice of tabling matters with no debate stating although it was legal there was no opportunity for any other Council member, besides the motion-makers, to raise an issue as to why a matter should or should not be laid over to a future time, and encouraged Council to respect each other's opinions and look at other alternatives such as laying matters over so debates could take place before voting.

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**(2-B) RESOLUTION NO. 2006-429 - SUPPORTING THE EFFORTS OF ALL LAW ENFORCEMENT AGENCIES IN ERADICATING CRIMINAL STREET GANG ACTIVITIES - PRESIDENT DUNCAN**

President Duncan stated he was asked by a Reedley council member to bring this matter forth, advised it was patterned identically after the same resolutions passed by all other elected bodies in Fresno County and the purpose was simply to speak as one unified voice, and added this would be a great tool when going after grants and funding.

On motion of President Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-429 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
 Noes : None  
 Absent : None

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The City Council recessed at 5:32 p.m. and convened in joint session with the Redevelopment Agency.

**(3:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

## APPROVE AGENCY MINUTES OF AUGUST 29, 2006

On motion of President Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of August 29, 2006, approved as submitted.

("A") APPROVE THE ACQUISITION OF A FEE SIMPLE PROPERTY FOR THE DEVELOPMENT OF THE SOUTHEAST POLICE STATION AT 4641 E. EL MONTE AVENUE FROM PROPERTY OWNED BY ALAN BOYAJIAN, TRUSTEE (Joint action)

Redevelopment Agency staff member Caldwell reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of Councilmember Boyajian, seconded by President Duncan, duly carried, RESOLVED, the acquisition of a 50 square foot street easement from property owned by Alan Boyajian, Trustee of the Alan Boyajian Living Trust of 2000 hereby approved, and the Public Works Director authorized to accept the Grant Deed from the property owner and execute the Agreement for Purchase and Sale of Real Property and complete the acquisition through escrow, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Westerlund, Sterling
Noes	:	None
Absent	:	None

148-111

9/19/06

("B") APPROVE THE AGENCY'S ACQUISITION OF TWO VACANT PARCELS FROM JOSEPH THOMAS JOHNSON AND JEAN RANEE JOHNSON, AND AUTHORIZE THE TRANSFER OF ONE PARCEL FROM THE AGENCY TO THE JOHNSONS FOR THE FULTON PARK PLAZA HOUSING PROJECT NEAR DIVISADERO AND FULTON STREETS

Supervising Real Estate Agent Balch reviewed the issue, all as contained in the staff report as submitted, and recommended approval. Executive Director Murphey added approval would allow staff to move forward with a sufficiently sized site for the housing development envisioned and added it was her understanding the Vagabond Lofts were 100% rented, and stated staff would return in the near future with a D&DA.

Councilmember Boyajian commended Director Murphey on this project (and the preceding project) and Ned Stacy and the developer stating this was a direct collaboration of the Agency, the City, the Housing Authority and the developer, and stated this showed the need for downtown housing. A motion and second was made to approve staff's recommendation. Chair Sterling also thanked staff and stated there was also good collaboration to keep the small businesses in the area. Councilmember Boyajian thanked Housing Task Force member George Bleth for all his work and efforts.

On motion of Councilmember Boyajian, seconded by President Duncan, duly carried, RESOLVED, the acquisition of APNs 466-182-21S and -22 at the appraised value of \$208,000 from Joseph Thomas Johnson and Jean Ranee Johnson hereby approved; the transfer of APN 466-133-43 for the sale price of \$1.00 to Mr. And Mrs. Johnson approved; and the Executive Director authorized to (1) sign the Agreement for Purchase and Sale and Escrow Instructions for the purchase of the two parcels, (2) accept the Grant Deeds for recordings and execute the Grant Deed for the disposition for the third parcel, and (3) sign other documents necessary to conclude the escrows, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Westerlund, Sterling
Noes	:	None
Absent	:	None

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**(10 - 0)** The joint bodies adjourned their meeting at 5:41 p.m. and the City Council reconvened in regular session.

**(2:00 P.M. #2) CLOSED SESSION:**



("A") CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION:  
COF. V. NATURAL RESOURCES DEFENSE COUNCIL

("B") CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:  
1. STATIONARY ENGINEERS, LOCAL 39 V. COF (PERB CHARGE); COF V. STATIONARY ENGINEERS, LOCAL 39  
2. GABRIEL AND REBECCA RODRIGUEZ V. COF, ET AL

("C") CONFERENCE WITH LABOR NEGOTIATORS - EMPLOYEE ORGANIZATIONS:  
1. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) BASIC, UNIT 5 - COUNCILMEMBER DAGES  
2. CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA)

The above items were announced and upon call, no one wished to be heard. Council convened in closed session in Room 2125 at the hour of 5:43 p.m. to consider the above matters and adjourned thereafter.

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 6:46 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

*Approved* on the \_\_\_\_26th\_\_\_\_day of \_\_\_\_September\_\_\_\_, 2006.

\_\_\_\_\_/s/\_\_\_\_ATTEST:\_\_\_\_\_/s/\_\_\_\_

\_\_\_\_\_  
Jerry Duncan, Council President

\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk